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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/730,500	12/05/2003	Doug Hill	HILL-001AX	7268
7590 07/02/2004				
Bourque & Associates, P.A. Suite 301 835 Hanover Street Manchester, NH 03104			EXAMINER LANGDON, EVAN H	
			ART UNIT 3654	PAPER NUMBER

DATE MAILED: 07/02/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/730,500

Applicant(s)

HILL ET AL.

Examiner

Evan H Langdon

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ML

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-20 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 05 December 2003 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. ____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date 15 April 2004.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. ____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: ____.

DETAILED ACTION

Drawings

New corrected drawings are required in this application. Applicant is advised to employ the services of a competent patent draftsman outside the Office, as the U.S. Patent and Trademark Office no longer prepares new drawings. The corrected drawings are required in reply to the Office action to avoid abandonment of the application. The requirement for corrected drawings will not be held in abeyance.

The drawings are objected to because markers 36, 88, 34, C, 93, 56, 52, 99 are unclear to what they are labeling. Figures 1, 4, 5, 6, 7 and 8 appear to be scanned images and are too dark and unreadable. In addition, Figure 2 has multiple markers to describe the same part on more than one part. Also, centerlines are required in Figure 2. Corrected drawings are required in reply to the Office action to avoid abandonment of the application. The objection to the drawings will not be held in abeyance.

The drawings are objected to under 37 CFR 1.83(a). The drawings must show every feature of the invention specified in the claims. Therefore, the first and second brake mechanisms must be shown or the feature(s) canceled from the claim(s). No new matter should be entered.

Corrected drawing sheets are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure number of an amended drawing should not be labeled as "amended." If a drawing figure is to be canceled, the appropriate figure must be removed from the replacement sheet, and where necessary, the remaining figures must be renumbered and appropriate changes

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made to the brief description of the several views of the drawings for consistency. Additional replacement sheets may be necessary to show the renumbering of the remaining figures. The replacement sheet(s) should be labeled "Replacement Sheet" in the page header (as per 37 CFR 1.84(c)) so as not to obstruct any portion of the drawing figures. If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

Specification

The specification is objected to as failing to provide proper antecedent basis for the claimed subject matter. See 37 CFR 1.75(d)(1) and MPEP § 608.01(o). Correction of the following is required: a first brake mechanism and a second brake mechanism, as claimed in claim 1. The disclosure is has only sufficiently described a single brake mechanism. The limitation, "wherein a user can set a total maximum drag such that said user cannot add too much drag" is in reference to the adjustment of the static drag adjustment in claim 11, but the disclosure describes the manual dynamic drag as the drag that a user can set a total maximum drag.

Claim Rejections - 35 USC § 112

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claims 1-20 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as

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the invention. It is not understood what is met by the limitation "too much drag" on lines 7 and 14 of claims 1 and 11, respectively.

In regards to claim 2, it is not understood how a first and second brake mechanism are the same brake mechanism?

In regards to claims 3 and 12, the limitation "substantially" on line 7, renders the claims indefinite.

Claim 5 recites the limitation "said brake member" in 7. There is insufficient antecedent basis for this limitation in the claim. In addition, the limitation "said user selects said user selected" renders the claim indefinite.

Claim 15 recites the limitation "said first brake mechanism" in line 15. There is insufficient antecedent basis for this limitation in the claim. The limitation "linkage" on line 5 presents a double inclusion.

In regards to claims 19 and 20, it is not understood how much "a total maximum drag" is equivalent to.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

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Claims 1-3, 7-12 and 14-20 are rejected under 35 U.S.C. 102(e) as being anticipated by Bascue, Jr. (US 6,732,965 B2).

In regards to claims 1 and 11 Bascue discloses a fishing reel comprising:

- a frame 3 adapted to support a spool 8 having line;
- a brake mechanism 7 coupled the spool, as seen in Figure 5;
- a manually adjustable dynamic drag mechanism 17b connected to the brake mechanism via a first linkage 20,21,22; and
- a static drag mechanism 1 connected to the brake mechanism including:
 - a static drag knob 1 disposed on an outer surface of the frame;
 - a static drag adjustment cam 82 coupled to the static knob; and
 - a second linkage 4,5,6 connecting the static drag adjustment cam to the brake mechanism,wherein a user can set a maximum drag.

In regards to claims 3 and 12, Bascue discloses the brake mechanism includes:

- a ratchet plate 6 disposed coaxially with the spool supported by the frame;
- a friction ring 7 substantially surrounding an outer surface the ratchet plate; and
- a yoke 95 surrounding an outer perimeter of the friction ring.

In regards to claim 14, Bascue discloses the static drag adjustment cam 82 comprises a curved channel having a circumferentially decreasing radius.

In regards to claim 7 and 15, Bascue discloses the manually adjustable dynamic drag mechanism comprises:

- a lever 17b, pivotally disposed on an external surface of the frame; and
- linkage connecting the lever to the brake mechanism 7.

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In regards to claims 8 and 16, Bascue discloses the manually adjustable dynamic drag mechanism further comprises an adjustable leverage mechanism 17a, as seen in Figure 5.

In regards to claims 9 and 17, Bascue discloses the adjustable leverage mechanism includes a plurality of adjustable pivot points (elongated slot) disposed in the frame where a first end of the lever pivots about a pivot pin disposed within one of the plurality of pivot points.

In regards to claims 10 and 18, Bascue discloses the lever is recessed in the frame, when the lever is depressed all the way.

In regards to claims 19 and 20, Bascue discloses a method of adjusting a fishing reel by selecting a maximum drag of the fishing reel;

adjusting a static drag mechanism 1 to provide a user determined amount static drag; and

adjusting a dynamic drag device 17b on said fishing reel such that maximum amount of dynamic drag which can be added by the user is equal to the maximum drag minus said static drag, where the drag has a range from zero to a set maximum.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 4 and 13 are rejected under 35 U.S.C. 103(a) as being unpatentable over Bascue in view of Chesterfield et al (US 5,505,396).

Bascue fails to show the brake member including a clipper.

Chesterfield teaches an adjustable brake member having an adjustable 6 caliper 51,52 and a brake rotor, where the brake rotor is disposed coaxial with the spool.

It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the brake mechanism of Bascue to include a caliper brake arrangement as suggested by Chesterfield, to provide an alternative braking arrangement.

Claims 5 and 6 are rejected under 35 U.S.C. 103(a) as being unpatentable over Bascue in view of Kim (US 6,003,789).

Bascue discloses the static drag selection device disposed on outside surface of the frame, and coupled to a static drag adjustment cam, but fails to show an adjustment link pin disposed between the cam and the brake member.

Kim teaches an adjustment link pin 32 disposed between the static drag adjustment cam 130 and the brake member 28, drag is selected by rotating the static drag selection device 120, thereby rotating said static drag adjustment cam 130, which turn moves said adjustment link pin 32 thereby altering the force exerted by the brake mechanism.

It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the static adjustment portion of Bascue to include an adjustment link pin as suggested by Kim, to more accurately set a desired static drag.

In regards to claim 6, Bascue as modified by Kim teaches the drag adjustment cam 130 (Kim) comprises a curved channel having a circumferentially decreasing radius.

Conclusion

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Evan H Langdon whose telephone number is (703)-306-5768. The examiner can normally be reached on M-F 8:30-5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Kathy Matecki can be reached on (703)-308-2688. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

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